

DOCKET NO.: PANT-0301  
Application No.: 10/083,259  
Office Action Dated: July 16, 2003

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
**Nielsen, et al**

Confirmation No.: **3290**

Application No.: **10/083,259**

Group Art Unit: **1631**

Filing Date: **October 19, 2001**

Examiner: **Ardin H. Marschel**

For: **Modified Peptide Nucleic Acid (PNA) Molecules**

**EXPRESS MAIL LABEL NO: EL 969190706 US**  
**DATE OF DEPOSIT: December 3, 2003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY PURSUANT TO 37 CFR § 1.111**

In response to the Official Action dated **July 16, 2003**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page                      of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of the claims which begins on page                      of this paper.
- ☐ **Amendments to the Drawings** begin on page                      of this paper and include an attached replacement sheet.
- ☒ **Remarks/Arguments** begin on page 2 of this paper.

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**Application No.:** 10/083,259  
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**PATENT**

**REMARKS/ARGUMENTS**

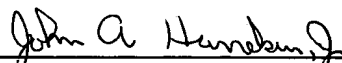
This is in response to the communication of July 16, 2003 and further to the office action of March 24, 2003. The communication alleges that our April 24, 2003 response was non-responsive concerning the specie election set forth on pages 4-5 of the office action. Applicants would like to thank the Examiner for a helpful conversation on July 28, 2003 explaining the nature of the further election requirement.

Further to our April 24, 2003 response, Applicants elect the species which does not further comprise an antibiotic. Claims 5-7, 10-17, 19, 22-28, and 30 read on the elected species.

Applicants believe the foregoing constitutes a full and complete response to the Office Action of record. Applicants respectfully request an early Office Action on the merits.

Respectfully submitted,

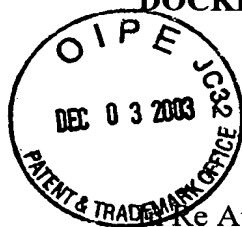
Date: December 3, 2003

  
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DOCKET NO.: PANT-0301

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Nielsen, et al

Confirmation No.: 3290

Application No.: 10/083,259

Group Art Unit: 1631

Filing Date: October 19, 2001

Examiner: Ardin H. Marschel

For: Modified Peptide Nucleic Acid (PNA) Molecules

EXPRESS MAIL LABEL NO: EL 969190706 US

DATE OF DEPOSIT: December 3, 2003

EL 969190706US

☐ MS Non-Fee ☐ MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated July 16, 2003.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ A Substitute Specification (pages 1 - ) in clean form.
- ☐ A substitute specification (pages 1 - ) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☒ Other: Notification of Loss of Entitlement to Small Entity Status (37 CFR 1.28(b)).
- ☐ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☒ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	27	27 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0.00
INDEP. CLAIMS	1	3 (3 MINIMUM)	0	\$43 EACH	\$	\$86 EACH	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$0.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$0.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$0.00
<input checked="" type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$1,480.00
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$	\$2010	\$0.00
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0.00)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0.00
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							\$0.00
TOTAL FEE DUE					\$		\$1,480.00

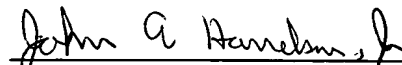
- ☒ A check in the amount of **\$1,480.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of       .00. This sheet is attached in duplicate.
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of July 16, 2003 to and through December 3, 2003 comprising an extension of the shortened statutory period of Four (04) month(s).

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- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: December 3, 2003



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